

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: AVANDIA MARKETING, SALES  
PRACTICES AND PRODUCTS  
LIABILITY LITIGATION

MDL NO. 1871  
07-MD-01871

THIS DOCUMENT APPLIES TO:

HON. CYNTHIA M. RUFÉ

RICHARD V. D'APUZZO  
*on behalf of himself and all others similarly  
situated*

CIVIL ACTION

v.

SMITHKLINE BEECHAM CORPORATION  
d/b/a GLAXOSMITHKLINE

NO. 07-4963

**ORDER<sup>1</sup>**

**AND NOW**, this 15th day of October 2013, upon consideration of Defendant's Motion to Dismiss [Doc. No. 28] and the response and replies thereto, it is hereby **ORDERED** that the Motion is **GRANTED** for the reasons set forth in the accompanying Memorandum Opinion. The Third Amended Complaint is **DISMISSED** with prejudice. The Clerk is directed to **CLOSE** the case.

It is so **ORDERED**.

**BY THE COURT:**

  
CYNTHIA M. RUFÉ, J.

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<sup>1</sup> This memorandum opinion and order replace the memorandum opinion and order issued on July 10, 2013, and vacated by order dated July 24, 2013.